DOCUMENT RESUME

ED 116 817 PS 008 332

AUTHOR Morgan, Gwen G.
TITLE Guaranteeing Quality in Child Care.
PUB DATE 3 Apr 75
NOTE 14p.; Not available in hard copy due to marginal legibility of original document

EDRS PRICE MF-$0.76 Plus Postage. HC Not Available from EDRS.
DESCRIPTORS Accreditation (Institutions); Certification; Consultants; *Day Care Services; *Early Childhood Education; Employment Qualifications; Facility Requirements; Family Day Care; Financial Policy; *Government Role; Information Services; Interagency Coordination; *Public Policy; *Standards; State Licensing Boards; State Standards

ABSTRACT

This paper presents a discussion of state and federal licensing and regulation of child care services. A hierarchy of the kinds of regulation is defined: (1) basic preventive/protective requirements (related to zoning, fire and safety, sanitation, and basic day care licensing); (2) administrative standards for publicly operated programs (equal to or better than basic private day care licensing requirements); (3) funding standards or fiscal regulation of publicly financed programs; (4) qualifications of the staff regulated by credentialing; and (5) standards of quality for model programs (accreditation). Some of the problems involved in establishing and administering these kinds of regulations are discussed. Consultation, technical assistance, education of the public, community organization, staff development, evaluation, and information centers are identified as nonregulatory ways of pursuing quality child care. (Consultation and information services are briefly discussed.) Some of the special problems involved in licensing family day care homes are explored, and a workshop sheet of questions pertinent to quality child care is provided. (ED)

****
* Documents acquired by ERIC include many informal unpublished *
* materials not available from other sources. ERIC makes every effort *
* to obtain the best copy available. Nevertheless, items of marginal *
* reproducibility are often encountered and this affects the quality *
* of the microfiche and hardcopy reproductions ERIC makes available *
* via the ERIC Document Reproduction Service (EDRS). EDRS is not *
* responsible for the quality of the original document. Reproductions *
* supplied by EDRS are the best that can be made from the original. *
****

ED116817

U.S. DEPARTMENT OF HEALTH, EDUCATION & WELFARE
NATIONAL INSTITUTE OF EDUCATION
THIS DOCUMENT HAS BEEN REPRODUCED EXACTLY AS RECEIVED FROM THE PERSON OR ORGANIZATION ORIGINATING IT. POINTS OF VIEW OR OPINIONS STATED DO NOT NECESSARILY REPRESENT OFFICIAL NATIONAL INSTITUTE OF EDUCATION POSITION OR POLICY

GUARANTEEING QUALITY IN CHILD CARE

BEST COPY AVAILABLE

- Gwen G. Morgan
Regional Conferenceson State
Services in Child Development
Education Commission of the States
Philadelphia, April 3, 1975

Child advocates have been pushing for more day care for many years. The well-known statistics indicating the enormous gap between the number of working mothers and the number of children in licensed day care programs has long been a cause of urgency and concern. Day care was the overriding concern of the White House Conference in 1970.

Yet, all along, the day care advocates have been expressing an equal concern for quality. The press for more services must not result in a sacrifice of the quality children need. One thing we do have very solid scientific evidence about is the fact that poor programs can do serious harm. We need day care, but that day care must be of the kind our children need and deserve.

States have many ways of encouraging or requiring quality. Some of these ways are appropriate for a basic level of quality for preventive protection of all children in child care; others are appropriate for a higher level of quality. All rest on a base of public support. States need to think through each of these various ways, in order to make some clear decisions about where to place the emphasis, and how to design a system which uses these ways in some rational relation to one another.

Licensing and regulatory ways of guaranteeing quality are more important than the attention which has been given them in public policy. Public policy discussions, including discussion of delivery systems, have underestimated the importance of this kind of consumer protection. It is not costed out in analyzing costs of public child care policy. Federal participation in state licensing is not specified in past child care

PS 008332

legislation. There has been little federal support until the recent catalytic studies by the Office of Child Development. Yet licensing is our most important preventive consumer protection program, guaranteeing the rights of children and families to adequate care while protecting the constitutional rights of operators.

Why the lack of attention to quality support in public policy? There has been, first of all, confusion in public policy, and failure to distinguish regulation from non-regulatory functions such as child placement; failure to distinguish one type of regulation from another, such as licensing from safety or health regulation, or licensing from funding requirements. In addition to the confusion, there has been a lack of interest. I believe one reason for this indifference probably stems from a basic resistance to authority common to us all. As Americans, we inherit a strong strain of "rugged individualism" which makes us uncomfortable with authority. Licensing staff inherit it, licensees inherit it, and the public in general inherits it. Yet, whenever any problem arises in our society, a typically American response is to generate more regulatory law. While regulation is a typically American form of social action, our discomfort with authority makes us generally hostile to law enforcement.

A final reason for our lack of interest in licensing may be the fact that there are indeed serious problems in our licensing programs which need correction.

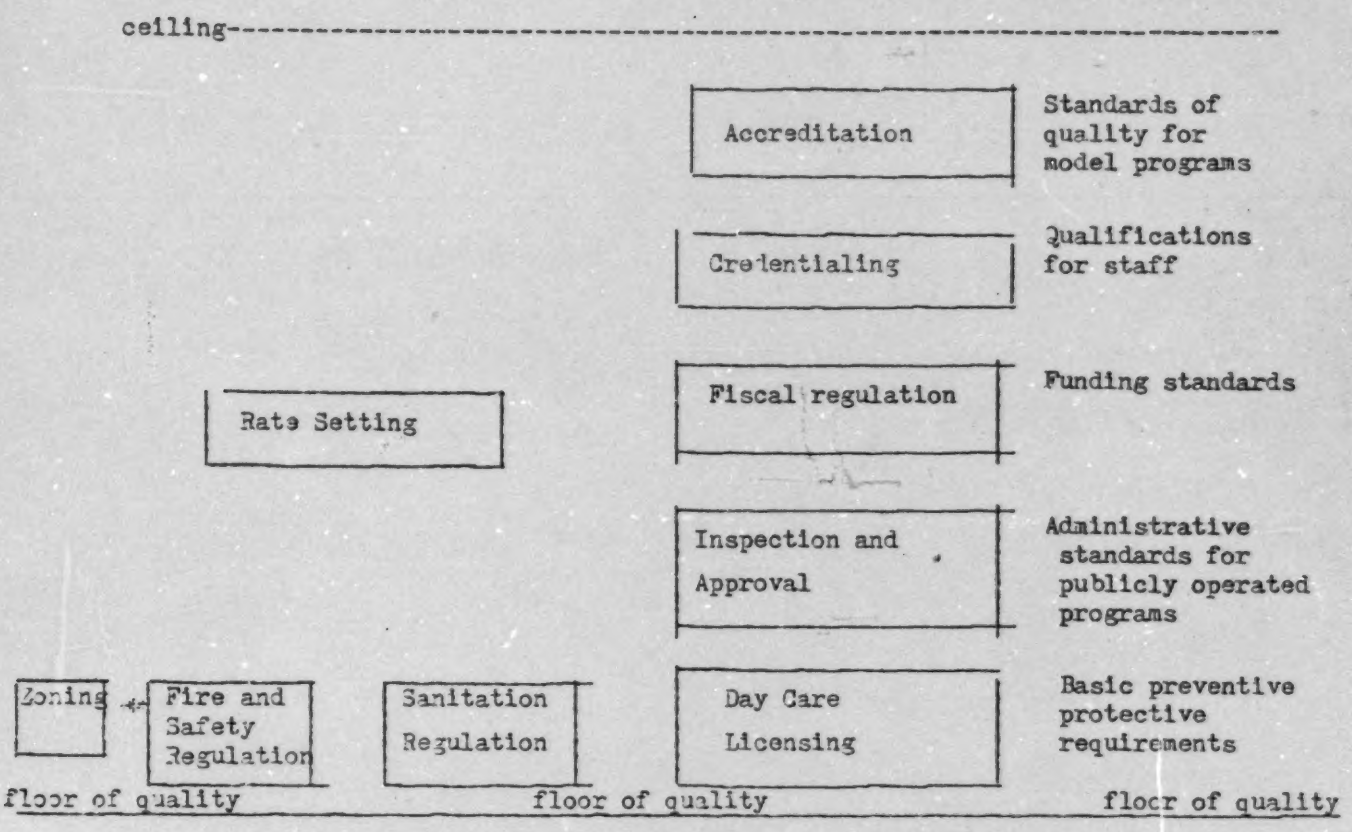
Licensing is a form of class advocacy, protecting all children from the potential of harmful conditions, in contrast with case advocacy. When soundly implemented, it is a way of assuring a base line of quality below which no program may legally operate. Norris Class, in his classic booklet published by the Children's Bureau, (#462) describes such a sound licensing program, with consumer and operators involved widely in standard setting. Such a regulatory system could be widely used to assure rights,

much as Civil Rights and Fair Employment legislation has been used.

We need better training of licensing staff, the public, and especially the policy makers into the potential of a well-run licensing program. In many states, licensing staff are now beginning to have greater access through training and counsel from Attorney Generals' offices to sound regulatory concepts and procedures. But they will not be able to take any action on their new learning if the policy makers above them remain indifferent to the potential of licensing, confused between different forms of regulation, and unwilling to hold the line of quality in the face of the press for more services.

We need a common terminology and a common conceptual framework in order to talk about regulation and other ways of achieving quality. Morris Class has attempted to develop this common framework for discussion. If we imagine a solid line, representing a basic floor of quality, this is the line drawn by the state in establishing its licensing requirements. The requirements, representing a concensus of different interests, are drawn up at the line which the state believes is essential, and operating below that line is outlawed because it would be harmful. Also at the base line are health regulation and safety regulation. Other methods of regulation establish their requirements above a base line level. High quality standards for model programs represent a ceiling of quality to which we aspire, and this line can be represented by a dotted line.

Between the floor and the ceiling, different kinds of regulation can be represented as follows:



There are other ways of approaching the question of quality, which are not regulatory, which include actions such as:

- consultation
- education of the public
- community organization
- training
- evaluation
- information centers

These different ways, regulatory and non-regulatory, of approaching quality can be given different emphasis, linked together in different ways, provided by the same or different agencies, or by the same or different staffs within an agency. But they need to be thought through in some rational relation to one another, without confusion among them. About each, state decision-makers should be asking:

_ Should it be done?
- Who should do it?
- What should be combined and what should be separated?
- How can it be done with the least overlap and duplication?
- How can it be done in the least amount of time for the operator?
- How can it be done without inhibiting the growth of a needed service?

Starting with the box at the bottom right corner of the list of regulatory activities, we find day care licensing, a cornerstone of a state's regulatory system. Its requirements represent a base line of quality below which no program may legally operate. Any day care below this line is outside the law and penalties may be invoked. We can argue about where that base line should be drawn, and how close it should be to the level of quality specified in funding requirements. But while there are licensing laws there can be no argument that where there is licensing, there is the drawing of a base line, a floor of quality. The law says, "No person may operate" without a licensing, and the license may not be given unless the requirements set by the licensing agency are met. These requirements are the line the state draws for the protection of all children in child care.

Day care licensing laws are not the only base line regulatory laws which apply to child care, and day care licensing requirements are not the only requirements. Safety requirements come about because citizens, concerned to prevent children from burning to death in fires, took legislative action resulting in required building inspections according to a minimum code. Health requirements come about because citizens, concerned to prevent the spread of epidemic disease, took legislative action resulting in the enforcement of a minimum health code. Zoning by-laws come about because states permit local communities to engage in land use planning and control.

To the operator seeking zoning approval, health approval, safety approval, and a day care licensing, all this base line regulation

appears to be a system which does not work very well. It is important to understand that they are wrong in their diagnosis; it is not a system which works badly. The problem is that there is no system. Instead there are four different major regulatory interventions stemming from four different bureaucracies created by four different pieces of legislation with four constituencies with differing attitudes. If states are concerned for the children not in day care who also need the health and safety and care which these programs offer families, steps must be taken to create a system out of these regulatory actions, which may require further legislation in some states. The federal Model Statute is a start at thinking through what should be in a licensing bill, but in some states it may be desirable to add outside sections amending health, safety, or other legislation which may also have jurisdiction over day care, to mandate some system and relationship.

Regulation through zoning is different in nature from the other three base line types of regulation, since it focuses on land rather than human protection. Zoning has been mis-used by local communities to inhibit services. In Massachusetts, we have decided that the licensing office should not be responsible for enforcing zoning, and that day care should be exempt from zoning.

To move up a level in the list of kinds of regulation, the one listed above day care licensing is inspection and approval. This is a term used by Norris Class to indicate that a different method of regulation is used when the public agency operates programs, since licensing by definition is regulation of the private sector. The public agency should provide service at least equal in quality to services provided in the private sector,

if children are to receive equal protection. Conceivably, the public agency might feel a responsibility to provide a higher level of quality than that required through licensing, which is my reason for placing that box at a higher level than licensing. At least the quality must be equal, which will depend on the states' developing new ways of regulating and enforcing standards for the publicly operated programs.

Fiscal regulation has to do with assuring that standards appropriate for the expenditure of public funds are met. Head Start guidelines and performance standards are an example of this type of regulation. The Federal Interagency Day Care Requirements are funding standards. They do not apply to programs unless federal dollars are spent in them. I believe they should represent a higher level of quality than base line licensing requirements. Government, when it purchases child care, should specify a level of quality desirable for the achievement of the goals of the program, rather than the base line quality necessary for the prevention of predictable harm.

We have yet to develop an effective monitoring system. The federal audit done by HEW of day care in nine states is a good example of the difficulty in auditing quality from the federal level. The audit makes assumptions about safety and health regulation which could be challenged, and does not draw attention to the problems which local day care programs faced during that period of constantly shifting federal goals and pressures to implement new regulations for eligibility not yet adopted.

The monitoring of quality is a type of regulation which needs further discussion and work. The state level may be the appropriate level from which to develop a strong system for monitoring program quality. It is very important to find ways to reduce the number of people inspecting and monitoring the same program. For this reason, some experimenting with the

use of state licensing staff for monitoring a number of programs on behalf of federal agencies has been suggested. This is an entirely different function than licensing, and would require good training for staff to perform the two functions without confusion.

The other side of the coin of standard setting, in fiscal regulation, is rate setting. A past practice has been for government to adopt vague rhetorical standards, and then provide a low rate of pay for programs, so that the rhetoric could not be translated into reality. Public frustration then was directed at the rule-enforcers rather than at the failure to provide adequate funds for the meeting of the rules. Sound administration would require that the government must pay for the quality it specified in its funding standards. Rate-setting as a form of regulation needs to be based exactly on funding standards and the actual costs of meeting them. Massachusetts has developed a workable method of computing center care rates based on costs related to standards, and is now working on a rate for family day care systems.

Credentialing has to do with staff. There are many issues to be addressed in any discussion of credentialing. Would we need licensing if we had good credentialing? Who should be credentialed? The federal Office of Child Development is working on a competency based credential for a caregiver; others have suggested credentialing Directors. Texas has a recent law requiring credentialing Directors of residential programs. As public schools extend their programs for special needs children downward to age three, it is likely that an early childhood credential will develop in many more states for work with young children in schools. Asessment of competency still raises many unresolved issues, and not much as yet has been done to resolve them.

Accreditation is a way of setting some goal standards for model programs. One model of accreditation is voluntary, with standards established

by peers, and some way of providing consultation leading to a seal of approval. This could be done entirely in the private sector, could be publicly funded in the private sector, or could be a state or city program. The chief among many issues is the difficulty of agreeing on what constitutes high quality. It is worth pursuing, however, because the existence of some recognition of programs of quality makes clear the distinction between floor or licensing requirements and quality standards. Operators would not wave their licenses on high as if they are a banner of quality, rather than a permission to operate, if there were a system which established an actual banner of quality which they could choose to seek.

Other ways of pursuing quality, which are not regulatory, have been listed above but not described: consultation, technical assistance, education of the public, community organization, staff development, evaluation, and information centers. Two of these warrant further discussion.

The first, consultation, has been a growing issue in the country in the last five years. The term is commonly used to mean help and assistance provided through expertise, unconnected with the enforcement of requirements. The issue of the relation of consultation to licensing has been widely discussed. Many have believed that licensing staff should provide this kind of consultation; others have believed that the ties to regulatory authority contaminate the essentially voluntary nature of a consultative relationship. The resolution of this issue will force us to come to terms with the issue of authority. Consultation can never be free of authority, even at best. Providing it from a regulatory base overlays it with the additional authority of police powers and power over funding decisions. These other types of authority make successful consultation very difficult to achieve without a high degree of skill and understanding of the issue. Some of the present hostility toward licensing undoubtedly stems from lack of skills in trying to wear these two very different hats.

The second non-regulatory method of seeking quality worthy of note is the spontaneous growth of resource centers and family service centers which provide information to parents about the programs available in the community, and information to staff and operators and family day caregivers about ways of achieving quality. A number of such centers have sprung up around the country, and where they exist provide a focal point for pulling together the fragmented network of services and the users of services. Community colleges and other academic institutions are also now providing a lot of consultation to day care.

States need to be aware of, and help to develop these other sources for consultative help, in ways which are complementary, not competitive to the licensing staff and to one another.

All these ways of achieving quality need planning and a rational system in which they fit together coherently. To focus for a moment on the most basic, and in spite of all the difficulties the most important at present - day care licensing - I believe that effective and helpful licensing is an attainable and a feasible goal for states. It may take some additional staff in those states which have had a mythical licensing program in the past, but the increase will be modest and will not accelerate in any drastic way. Doing a good job of licensing centers will not cost the states an arm and a leg. There will need to be better staff development programs for licensing workers. Federal support for this training, and more federal support for licensing generally would bring some help to the day care scene.

For family day care, the outlook is a little different. At least 90% of the family day care homes in the states are operating illegally. Some have suggested giving up the effort to regulate them. They may prove to be right. I believe that we can license them successfully, but the procedures and the use of staff will have to be substantially different than the traditional

licensing in the past. There is no one right way to license "the way it spoze to be;" the country has a multiplicity of approaches to regulation all of which can be defined as licensing.

In Massachusetts, we will issue one license to "family day care systems," or groups of satellite homes operating as members of one organization. This appears to be a feasible way of achieving basic quality in those homes willing to link up with a system which provides services to them, and which can maintain basic quality in the homes. We are developing a set of requirements for systems.

For the homes not part of systems, we are beginning to use a type of licensure which we are calling registration. If they are caring for other people's children, homes must be registered with the state, and the provider must certify that the home meets the state's requirements for homes - the same requirements used for homes which are part of systems. The provider is required to give a copy of the requirements to parents using the service. The state will visit a home on the request of a parent, a provider, or a member of the community, or simply to spot check. An essential element to the success of the new way of regulating homes will be education of the public, and the development of parent use of compliaint procedures. Consumers are partners with the state in assuring the rights of children to quality care.

It is time for licensing to be given the attention it deserves in public policy. I would press for at least equal priority for this kind of preventive class advocacy for children as is now being given to case advocacy. If states cannot develop a commitment to program quality, our programs will consistently fail to achieve their goals. We will perpetuate our past patterns of low quality services which endanger children, waste funds, and have negative consequences which outweigh their positive value. The movement toward de-institutionalization of human services will stand or fall depending on whether states will understand and give priority to the protection of

quality of services.

The future success of our day care and other social programs depends upon a commitment at high levels to regulation in its various forms, and a conceptual understanding of how to put this commitment into action.

WORKSHOP WORK SHEET

For each type of regulatory administration, recommend: should it be done in your state? How? Separately or together with what other functions? By what staff? In what agency? With what budgeted money?

ZONING - Common definitions to all zoning codes for day care centers, family day care, group homes? State imposed or recommended? How should each be handled in the local code? Or exempt from zoning by state action?

SAFETY - Integrated with licensing or coordinated? One or more staff person(s) outstationed in licensing office from state safety agency? Give licensing agency authority for safety in family day care? Or assure safety regulations for family day care are the same as for residential occupancy? Specific and appropriate codes for group homes and centers, using common definition, new classification other than institution or school? Permit additional local codes or not?

HEALTH - Integrated with licensing or coordinated? Specific, appropriate sanitation code for group homes, centers, rather than use of restaurant and other codes? No codes for homes except those appropriate for residential occupancy? Delegate enforcement from health agency to licensing agency or not? Code at state level without additional local codes?

DAY CARE LICENSING - Should it be generic as part of human service licensing? generic as part of child welfare licensing? or separate as day care licensing group with other day care functions?If generic at state level, how factor in local knowledge? specialized knowledge about a particular type of service? How achieve central uniform policy and still have local decision-making input? If just center licensing, how relate to family day care licensing? How deal with family day care systems, which combine centers and homes?

Standard setting process, how organized? Permanent or ad hoc committee? Composition spelled out in law or guideline? Who participates? How often revised?

Licensing staff. Does the state have enough? Should they be state or county? How qualified? How trained? child development, regulatory concepts, human relations and psychological aspects of licensing? How much paid? How advance? How retain?

INSPECTION AND APPROVAL. How does state monitory quality of public programs? How should it?

FISCAL REGULATION. Should the state set its own funding standards, incorporating the federal FIADER? Who will monitor? How and by whom will rates be developed?

CREDENTIALING. Responsibility of Ed. agency or licensing agency? Academic or competency? How assess?

ACCREDITATION - Would voluntary participation in accreditation exempt a center from licensing? Who accredits? Public? Private? How develop standards?

CONSULTATION - beyond that connected with licensing requirements. Should licensing staff do this kind of consultation or not? If not, who should? Program development staff elsewhere? If licensing staff, how develop skills? How can resource centers and family centers be encouraged?

WHAT AGENCY should do licensing? How high in hierarchy? Centralized or decentralized? Concern and knowledge about children?